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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR02-035-JCC
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 TYRONE BEVOLEY,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
13 _____)

14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on April 22, 2010. The United States was represented by AUSA Tessa Gorman and the
16 defendant by Catherine Chaney. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about October 4, 2002 by the Honorable John C.
18 Coughenour on a charge of Distribution of Cocaine, and sentenced to 84 months custody, 3 years
19 supervised release. (Dkt. 24.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant be prohibited from possessing a firearm, submit to mandatory drug
22 testing, participate in a substance abuse program, abstain from alcohol, submit to search,

01 participate in a mental health program, provide his probation officer with access to financial
02 information upon request, not obtain or possess any identification documents in any but his true
03 identity, and not associate with known gang members.

04 On March 1, 2009, defendant's probation officer reported that defendant had tested
05 positive for marijuana. Defendant was reprimanded, placed in a structured testing program,
06 referred for professional assessment, and referred for intensive outpatient treatment. No further
07 action was taken at the time. (Dkt. 29.)

08 On January 8, 2010, defendant admitted violating the conditions of supervised release by
09 using cocaine, failing to appear for drug testing, failing to report as directed, and failing to
10 participate in a substance abuse program as directed. (Dkt. 39.) Defendant was sentenced to three
11 months in custody, followed by 30 months supervised release. (Dkt. 43.)

12 In an application dated April 13, 2010 (Dkt. 44, 45), U.S. Probation Officer Brian K.
13 Facklam alleged the following violations of the conditions of supervised release:

14 1. Failing to satisfactorily participate in a residential reentry center program in
15 violation of special condition 7.

16 2. Using cocaine on or before March 25, 2010, in violation of standard condition 7
17 prohibiting him from drug use.

18 Defendant was advised in full as to those charges and as to his constitutional rights.

19 Defendant admitted the alleged violations and waived any evidentiary hearing as to
20 whether they occurred.

21 I therefore recommend the Court find defendant violated his supervised release as
22 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next

01 hearing will be set before Judge Coughenour.

02 Pending a final determination by the Court, defendant has been released to a clean and
03 sober house, upon the stipulation of the parties. The probation officer will arrange for his release.

04 DATED this 22nd day of April, 2010.

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06 Mary Alice Theiler
07 United States Magistrate Judge

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10 cc: District Judge: Honorable John C. Coughenour
11 AUSA: Tessa M. Gorman
12 Defendant's attorney: Catherine Chaney
13 Probation officer: Brian K. Facklam
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